

RE: docket 07-57, Sirius -XM radio merger

This is my second comment posted in regard to this merger. Again, I fully support the merger.

It would appear that despite logical reasoning for its support, the opposition is coming from legislators and those unfamiliar with the service first-hand, i.e., subscribers, rather than from the subscribers themselves. Has anyone asked how many of these people use the services they are passing judgment on? How many of them have iPods or MP3 players?

It has been my experience that, more often than not, the decision makers are rarely intimately familiar with the processes they rule over. That is the nature of government and bureaucracy. Let's see who actually listens to Sat. radio and ask them their "off the record" opinion. You know this is likely to differ from their official opinion.

If the FCC is working on the behalf of the consumer, then why not let them have what they want?

Arguments that Satellite radio does not compete with terrestrial radio are wrong. The consumer is not typically concerned with the means by which the provider collects his operational revenues. He will purchase his equipment from whoever he chooses to receive the content he prefers. I think you'll find that virtually every subscriber to Satellite radio has an AM/FM radio it plays through, and often has a computer and some other form of audio entertainment device, whether it be a CD player or MP3 player, cassette. If any one of these was decidedly better than another, that individual would use that format more than the others.

Satellite radio is an anomaly. No other format has its flexibility, or its limitations. While it is true they offer a wide range of content, some of it is exclusive to one service or the other. We want it all, but you are saying we cannot have it, because of some short-sighted and outdated ruling made before the development of many alternative and competing mediums.

The survival of satellite radio depends upon whether or not it can overcome these limitations. Cable TV can offer any amount of content and services it chooses, as long as the consumer wishes to pay for it. Satellite radio simply cannot. I can listen to MLB on XM, NFL on Sirius. Oprah on XM, Howard on Sirius. I must choose. Not so with Cable TV, eh? In fact they are ALL available on cable. Don't limit my choices arbitrarily over some technicality of "law". That equates to authoritarianism. I should be entitled to choose what's best for me, not you. This isn't about national security. It is about entertainment- nothing more

It has been stated that interoperable radios could be made that allow subscriptions to both services. That would be great, but I think we stand a better chance of pigs flying than have the companies produce systems that encourage flip-flopping to their competitor. Why can't the car radio manufacturers devise these units themselves? Must the satellite radio companies produce their own receivers, or could they license the technology to others? Telephones made that leap years ago, and we all benefited from the innovation.

I also think that we stand a better chance of reasonable pricing from the merger as opposed to purchasing both services individually. Since there is substantial overlapping of content, duplication could be eliminated. This would cut back on the total bandwidth required, and could lead to some middle-ground pricing structure. This is impossible with separate services at full price.

Finally, I offer a point to ponder. As with any game with only two players, eventually only one will win. (Betamax, anyone?) Surely in the end, the consumer loses, or wins, depending on if he made the right choice. Ultimately, the loser has to switch, or do without. But this battle could make losers of all Satellite fans if both weaken

enough to be unable to compete in the market remaining, with disillusioned and frustrated users, and enough alternatives to option. Will our government step in to save them when they falter? Not likely. The NAB would fight it. I once heard a man say that if he saw his competitor drowning, he would shove a firehose down his throat. That's anticompetitive, for sure, but what else would you expect? Make the right decision- Support the merger!